

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	No. CR-07-205-F
)	
HUAYI DENG,)	
)	
)	
Defendant.)	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S
MOTION FOR TERMINATION OF SUPERVISED RELEASE**

On August 29, 2018, the defendant filed a motion for early termination of supervised release, citing 18 U.S.C. § 3583(e) and Fed. R. Crim. P. 32.1(c). Doc. 184. The government opposes the defendant’s motion.

Discussion

On August 14, 2007, the government charged the defendant by Information in Count 1 with conspiracy to distribute MDMA, hydro marijuana, and cocaine powder, and in Count 2 with the false acquisition of a firearm. Doc. 130. On September 20, 2007, the defendant pled guilty to both counts. Doc. 138. On July 8, 2009, the Court sentenced the defendant to 105 months’ imprisonment. Doc. 161.

On July 9, 2012, the defendant filed a motion that sought a reduced sentence, citing 18 U.S.C. 3582(c) or alternatively 28 U.S.C. § 2255. Doc. 169. The Court denied that motion. Doc. 173. On March 31, 2015, the defendant filed another motion to reduce his sentence on different grounds. Doc. 179. The Court granted that motion and on April 1, 2015, reduced the defendant's sentence to time served effective November 1, 2015. Doc. 181.

On August 29, 2018, the defendant filed the instant motion for early termination early termination of his supervised release, claiming in part that he is a low risk to re-offend and that he is committed to a life free of criminal conduct, prosecution, and incarceration. Doc. 184, at ¶ 26.

The government has conferred with the United States Probation Office (USPO) concerning the defendant's motion. The USPO opposes the defendant's motion based on his role in the offense, which included weapons possession and drug distribution, his current immigration status, and the fact that he recently submitted a diluted drug test. *See generally*, Doc. 140, at ¶ 49; Doc. 185, at ¶¶ 10, 13, 23, 90, 101, & 122.

Conclusion

Because of the nature of the defendant's conduct underlying his criminal conviction in this case, coupled with the recommendation of the USPO, the government opposes the defendant's motion for early termination of his supervised release.

Respectfully submitted,

ROBERT J. TROESTER

First Assistant United States Attorney

s/ TRAVIS D. SMITH

Oklahoma Bar Number 22717

Assistant U.S. Attorney

210 W. Park Avenue, Suite 400

Oklahoma City, OK 73102

(405) 553-8700 (office)

(405) 553-8887 (fax)

Travis.Smith3@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants in this case, and I sent the attached document by certified mail to the defendant, who does not appear to be a registered participant in the ECF System, at the following address:

Huayi Deng
10605 Longview Drive
Oklahoma City, OK 73162

s/ TRAVIS D. SMITH

Assistant U.S. Attorney

Travis.Smith3@usdoj.gov